IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

WP(C).No. 8315 of 2007(M)

PETITIONER:

ALIKUNJU,S/O.UMMARKUTTY,AGED 50 YEARS,
MULAMMOOTTIL HOUSE,KARUVATTA P.O.,ALAPPUZHA DIST.

BY ADV. SRI.C.A.CHACKO
SMT.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENTS:

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1. THE ADDITIONAL DISTRICT MAGISTRATE(ADM)
ALAPPUZHA.

2. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION,K.S.E.B, HARIPAD.

3. LAKSHMIKUTTY,THAIKATTU HOUSE,
KARUVATTA P.O., ALAPPUZHA.

BY GOVERNMENT PLEADER SMT.M.K.PUSHPALATHA
SRI.JOSE J.MATHEIKKAL, SC.K.S.E.B.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C).No.8315 o 2007-M

Dated this the 19th day of March, 2007

JUDGMENT

The petitioner challenges Ext.P3 order of the Additional District Magistrate, Alappuzha granting permission to the second respondent to draw electricity line through his property to give power connection to the third respondent. The petitioner submits, he has suggested an alternative route which is through a pathway. If the line is drawn through that property, it will be convenient to others also. Reference is made to Ext.P2 sketch produced by the petitioner.

2. The learned Standing Counsel for the K.S.E.B. furnished me a sketch which is more or less identical to Ext.P2. It is pointed out that the line will pass only through the southern boundary of the petitioner's property and the distance covered is only 9 metres and that the line is drawn using weather proof line. Therefore, no serious prejudice is caused to the petitioner.

3. The alternative route suggested is feasible. In this case the petitioner's property will cross only 9 metres and that too on the southern boundary. Therefore, no serious prejudice is caused to the petitioner warranting interference by this Court under Article 226 of the Constitution of India. The second respondent is directed to ensure

that the line is drawn as far as possible through the southern boundary of the petitioner's property.

The Writ petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

MS